

United States District Court
for
the District of Nevada

**REQUEST FOR MODIFICATION
TO CONDITIONS OF SUPERVISION WITH CONSENT OF OFFENDER**
Probation Form 49 (Waiver of Hearing) is Attached
October 18, 2019

Name of Offender: **Miguel Anthony Bourque**

Case Number: **2:17CR00131**

Name of Sentencing Judicial Officer: **Honorable Kent J. Dawson**

Date of Original Sentence: **June 6, 2018**

Original Offense: **Felon in Possession of a Firearm**

Original Sentence: **24 Months prison, followed by 36 Months TSR.**

Date Supervision Commenced: **February 25, 2019**

Name of Assigned Judicial Officer: **Honorable Kent J. Dawson**

PETITIONING THE COURT

☒ To modify the conditions of supervision as follows:

1. **Community Service** – You must complete 40 hours of community service within 3 months. The probation officer will supervise the participation in the program by approving the program (agency, location, frequency of participation, etc.). You must provide written verification of completed hours to the probation officer.

CAUSE

On September 24, 2019, our office filed a violation report (Document #68) requesting modification of release conditions to include 24 hours of community service work. The recommendation for modification was in response to the offender having missed five (5) drug tests. As of today's date, this request remains pending for Your Honor's consideration. We are requesting document #68 be rescinded in lieu of this modification request, as Bourque missed another drug test.

RE: Miguel Anthony Bourque

Prob12B
D/NV Form
Rev. June 2014

By way of case history, on February 25, 2019, Bourque commenced supervised release. As a condition of release, Bourque is required to submit to drug and alcohol testing. Bourque has failed to report for drug testing on six (6) occasions. Bourque has a significant history of drug abuse and his continued missed drug tests are cause for concern. The Probation Office can only surmise his failures to report for testing are to avoid detection of drug use. In response, Bourque's drug testing has been increased. To his credit, Bourque has maintained steady employment, has played an active role with his wife and children and is compliant with his treatment requirements.

To impress upon Bourque the importance of reporting for drug and alcohol testing as scheduled, we respectfully request his conditions of supervised release be modified to include 40 hours of community service to be completed within three months. Bourque agrees with the modification as witnessed by his signature on the attached waiver. Bourque has been warned continued failures to report for drug testing will result in our office seeking additional punitive action, up to revocation proceedings.

Respectfully submitted,



Todd J. Fredlund

2019.10.18

12:51:51 -07'00'

Todd J Fredlund

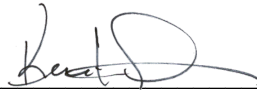
Supervisory United States Probation Officer

RE: Miguel Anthony Bourque

Prob12B
D/NV Form
Rev. June 2014

THE COURT ORDERS

- ☐ No Action.
- ☐ The extension of supervision as noted above.
- ☒ The modification of conditions as noted above
- ☐ Other (please include Judicial Officer instructions below):



Signature of Judicial Officer

10/22/2019
Date

UNITED STATES DISTRICT COURT

District of Nevada


Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

1. **Community Service** – You must complete 40 hours of community service within three months. The probation officer will supervise the participation in the program by approving the program (agency, location, frequency of participation, etc.). You must provide written verification of completed hours to the probation officer.

Witness


U.S. Probation Officer

Signed


Probationer or Supervised Releasee


Date